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UNITED NATIONS

E/NL.1991/18
4 July 1991

ENGLISH ONLY*

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

GERMANY

Communicated by the Government of Germany

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...]

THIRD ORDINANCE

AMENDING THE REGULATIONS OF NARCOTIC DRUGS LEGISLATION

(THIRD NARCOTIC DRUGS LEGISLATION AMENDING ORDINANCE)

OF 28 FEBRUARY 1991

*) Note by the Secretariat: The present document is a direct reproduction of the text communicated to the Secretariat.

V.91-26622

Third Ordinance
Amending the Regulations of Narcotic Drugs Legislation
(Third Narcotic Drugs Legislation Amending Ordinance)
of 28 February 1991

On the basis of section 1 paragraph 3 of the Narcotics Act of 28 July 1981[1/] (Federal Law Gazette I, p. 681, 1187) in conjunction with the administrative decree of 23 January 1991 (Federal Law Gazette I, p. 530) the Federal Minister for Health hereby orders as follows:

Article 1
Amendment of the Narcotics Act[2/]

The Narcotics Act of 28 July 1981 (Federal Law Gazette I, p. 681, 1187), last amended by Annex I Chapter X Part D Section II No. 20 of the Unification Treaty of 31 August 1990 in conjunction with Article 1 of the Act of 23 September 1990 (Federal Law Gazette 1990 II p. 885, 1081) shall be amended as follows:

In Schedule I the following narcotic drugs shall be inserted in alphabetical order:

Acetyl-alpha-methylfentanyl	N-[1-(a-methylphenethyl)-4-piperidyl] acetanilide
Alpha-methylfentanyl	N-[1-(a-methylphenethyl)-4-piperidyl] propionanilide
Alpha-methylthiofentanyl	N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl propionanilide
Beta-hydroxyfentanyl	N-[1-(beta-hydroxyphenethyl)4-piperidyl] propionanilide
Beta-hydroxy-3-methylfentanyl	N-[1-(beta-hydroxyphenethyl)-3-methyl-4-piperidyl] propionanilide
N-hydroxy MDA	(±)-N-[α-methyl-3,4-(methylenedioxy)phenethyl] hydroxylamine
3-methylfentanyl	N-(3-methyl-1-phenethyl-4-piperidyl) propionanilide
4-methylaminorex	(±)-cis-2-amino-4-methyl-5-phenyl-2-oxazoline
N-ethyl MDA	(±)-N-ethyl-α-methyl-3,4-(methylenedioxy) phenethylamine
MPPP	1-methyl-4-phenyl-4-piperidinol propionate (ester)

1/ Note by the Secretariat: E/NL.1981/60.
2/ Note by the Secretariat: For previous amendments, refer to E/NL.1987/73-74.

3-methylthiofentanyl	N-[3-methyl-1-[2-(2-thienyl)ethyl]-4-piperidyl] propionanilide
Para-fluorofentanyl	4'-fluoro-N-(1-phenethyl-4-piperidyl) propionanilide
PEPAP	1-phenethyl-4-phenyl-4-piperidinol acetate (ester)
Thiofentanyl	N-[1-[2-(2-thienyl)ethyl]-4-piperidyl] propionanilide

2. Schedule II shall be amended as follows:

a) The following narcotic drugs shall be inserted in alphabetical order:

Butalbital	5-allyl-5-isobutylbarbituric acid
Etilamfetamine	N-ethyl-α-methylphenethylamine
Pyrovalerone	4'-methyl-2-(1-pyrrolidinyl)valerophenone

b) The item "Codeine" shall be worded as follows:

"Codeine — 3-methylmorphine

- except in preparations containing without any additional substance listed in Schedules I to III (other than Allobarbital, Amobarbital, Barbital, Cyclobarbital, Ethylmorphine, Meprobamate, Methylphenolbarbital, Pentobarbital, Phenobarbital, Secobarbital) up to 2.5 per cent or up to 100 mg Codeine per dosage unit, expressed as base -"

3. The following narcotic drug shall be inserted in Schedule III part 3 in alphabetical order:

Cathine ((+)-norpseudoephedrine) — (+)-(R)-α [(R)-1-aminoethyl] benzyl alcohol

- except in preparations containing without any additional substance listed in Schedules I to III up to 5 per cent as solution, but not more than 1,600 mg per package unit, or up to 40 mg Cathine per dosage unit, expressed as base. These preparations, however, are subject to the narcotic drugs regulations governing import, export and transit -

4. Schedule III part C shall be amended as follows:

a) The following narcotic drugs shall be inserted in alphabetical order:

Allobarbital	5,5-diallylbarbituric acid - except in preparations containing without any additional substance listed in Schedules I to III (other than Codeine, Meprobamate or Phenobarbital) up to 120 mg Allobarbital per dosage form, expressed as acid. These preparations, however, are subject to the narcotic drugs regulations governing import, export and transit -
Butobarbital	5-butyl-5-ethylbarbituric acid - except in preparations containing without any additional substance listed in Schedules I to III up to 130 mg Butobarbital per dosage unit, expressed as acid. These preparations, however, are subject to the narcotic drugs regulations governing import, export and transit -
Fencamfamin	N-ethyl-3-phenyl-2-norbornanamine - except in preparations containing without any additional substance listed in Schedules I to III up to 8.6 mg Fencamfamine per dosage unit, expressed as base. These preparations, however, are subject to the narcotic drugs regulations governing import, export and transit -
Fenproporex	(±)-3-[(α-methylphenethyl)amino] propionitrile - except in preparations containing without any additional substance listed in Schedules I to III up to 11 mg Fenproporex per dosage unit, expressed as base. These preparations, however, are subject to the narcotic drugs regulations governing import, export and transit -

Mefenorex	N-(3-chloropropyl)-α-methylphenethylamine - except in preparations containing without any additional substance listed in Schedules I to III up to 40 mg Mefenorex per dosage unit, expressed as base. These preparations, however, are subject to the narcotic drugs regulations governing import, export and transit -
Midazolam	8-chloro-6-(o-fluorophenyl)-1-methyl-4H-imidazo [1,5-a] [1,4] benzodiazepine - except in preparations containing without any additional substance listed in Schedules I to III up to 15 mg Midazolam per dosage unit, expressed as base. These preparations, however, are subject to the narcotic drugs regulations governing import, export and transit -
Pemoline	2-amino-5-phenyl-2-oxazolin-4-one (=2-imino-5-phenyl-4-oxazolidinone) - except in preparations containing without any additional substance listed in Schedules I to III up to 20 mg Pemoline per dosage unit, expressed as base. These preparations, however, are subject to the narcotic drugs regulations governing import, export and transit -
Secbutabarbital	5-sec-butyl-5-ethylbarbituric acid - except in preparations containing without any additional substance listed in Schedules I to III (other than Meprobamate) up to 0.5 per cent as solution, but not more than 1,000 mg per package unit, or up to 50 mg Secbutabarbital per dosage unit, expressed as acid. These preparations, however, are subject to the narcotic drugs regulations governing import, export and transit -

Vinylbital	5-(1-methylbutyl)-5-vinylbarbituric acid
	- except in preparations containing without any additional substance listed in Schedules I to III up to 150 mg Vinylbital per dosage unit, expressed as acid. These preparations, however, are subject to the narcotic drugs regulations governing import, export and transit -

b) The item "Meprobamate" shall be worded as follows:

"Meprobamate	2-methyl-2-propyl-1,3-propanediol, dicarbamate
	- except in preparations containing without any additional substance listed in Schedules I to III (other than Codeine)
	a) up to 500 mg Meprobamate per dosage unit or
	b) together with any additional substance listed in Schedule III Part B or C, a quantity of narcotic drugs that does not exceed the smaller quantity stipulated for one of these substances (other than Allobarbital, Codeine or Secbutabarbital) in respect of exempted preparations -"

c) The item "Phenobarbital" shall be worded as follows:

"Phenobarbital	5-ethyl-5-phenylbarbituric acid
	- except in preparations containing without any additional substance listed in Schedules I to III (other than Allobarbital or Codeine)
	a) up to 10 per cent or up to 300 mg Phenobarbital per dosage unit or
	b) together with any additional substance listed in Schedule III Part B or C, a quantity of narcotic drugs that does not exceed the smaller quantity stipulated for one of these substances (other than Allobarbital or Codeine) in respect of exempted preparations -"

Article 2
Transitional Provisions

(1) A person who on 14 April 1991 without belonging to the group of persons mentioned in section 4 of the Narcotics Act participates in the trade in narcotic drugs (section 3 paragraph 1 (1)) or engages in the manufacture of exempted preparations (section 3 paragraph 1 (2) of this act) with the below mentioned substances, their isomers, esters, ethers, molecular compounds, salts and preparations:

1. Allobarbital
2. Butalbital
3. Butobarbital
4. Cathine (+)-norpseudoephedrine)
5. Etilamfetamine
6. Fencamfamin
7. Fenproporex
8. Mefenorex
9. Midazolam
10. Pemoline
11. Pyrovalerone
12. Secbutabarbital
13. Vinylbital

shall be entitled to do so up to 30 June 1991. In case he applies for a licence pursuant to section 3 paragraph 1 of this act before 1 July 1991 this entitlement shall continue until the application is dismissed finally and absolutely. The person entitled pursuant to sentence 1 or 2 shall, like the holder of a licence, as from the time of this ordinance coming into force, be bound by all provisions of this act and the ordinances issued in connection therewith.

(2) If the narcotic drugs specified in paragraph 1 are packed for dispensing to the consumer without the packages complying with the requirements pursuant to section 14 of this act, they shall still be allowed to be dispensed in these packages until 31 December 1992.

(3) If the narcotic drugs specified in paragraph 1 are not stored and secured in the manner required in section 15 of this act, they shall still be allowed to be stored in the manner admissible so far until 31 December 1992. The first sentence shall not apply to storage in pharmacies, veterinary house dispensaries and on merchant ships."

Article 3
Entry into Force, Termination

This ordinance shall enter into force on 15 April 1991. The last day of validity of Article 2 shall be the 31 December 1992.

Bonn, the 28 February 1991

Gerda Hasselfeldt
Federal Minister for Health